1	UNITED STATES DISTRICT COURT					
	EASTERN DISTRICT OF OKLAHOMA Exhibit					
2	16					
	LAZY S RANCH PROPERTIES, :					
3	LLC, AN OKLAHOMA LIMITED :					
	LIABILITY COMPANY :					
4	VS. : CASE NUMBER:					
	: 6:19-cv-00425-JWB					
5	:					
	VALERO TERMINALING AND :					
6	DISTRIBUTION COMPANY; :					
	VALERO PARTNERS OPERATING :					
7	CO. LLC; AND VALERO PARTNERS :					
	WYNNEWOOD, LLC, :					
8						
9	ORAL AND VIDEOTAPED DEPOSITION OF					
10	SCOTT A. STOUT, PH.D., P.G.					
11	September 27, 2022					
12	ORAL AND VIDEOTAPED DEPOSITION OF SCOTT A. STOUT,					
13	PH.D., P.G., produced as a witness at the instance					
14	of the Plaintiff, and duly sworn, was taken in the					
15	above-styled and numbered cause on the 27th day of					
16	September, 2022, from 9:59 a.m. to 4:57 p.m., before					
17	FELICIA A. NEWLAND, CSR, in and for the State of the					
18	District of Columbia, reported by stenograph, at					
19	Veritext Legal Solutions, 1250 I Street, Northwest,					
20	Suite 35, Washington, D.C., pursuant to the Federal					
21	Rules of Civil Procedure and the provisions stated					
22	on the record or attached hereto.					
	Page 1					

Q What evaluation did you make specific to the Lazy S Ranch as to naturally occurring materials? 2				
materials? I know you cite that there's some a spects of some of the soil samples in your report of may be naturally occurring materials. What investigation did you make of the existence of naturally occurring vegetative materials on the lary S Ranch? A I've seen photographs of the landscape there that shows there's indeed vegetation present. Irrespective of that, the elaboratory detection limit, but it's estimated by ceminate of the soil samples told me there's remnants of that vegetation present. A Based upon the chromatogram, the CG/FIDs. A Based upon the chromatogram, the correction. Did you do any testing of the organic correction. Did you do any testing of the organic correction. They were all collected by Dr. Fisher and analyzed at his laboratory. A No. I – I didn't analyze any soils. Page 202 T They were all collected by Dr. Fisher and analyzed at his laboratory. A P m sorry, that's not true. I mean, A P m sorry, that's not true. I mean, A P m sorry, that's not true. I mean, A P may, that's not true. I mean, A P were a couple of soil samples? A Yes. And their chromatograms, are about that. There were a couple of soil samples? A Yes. And their chromatograms, are all found on Figure 3. A Yes. And their chromatograms, are all found on Figure 3. A Yes. And their chromatograms, are all found on Figure 3. A Yes. And their chromatograms, are all found on Figure 3. A Yes. And their chromatograms, are and found on Figure 3. A Yes. And their chromatograms, are and found on Figure 3. A Yes. And their chromatograms, are and found on Figure 3. A Yes. And their chromatograms, are and found on Figure 3. A Yes. And their chromatograms, are and found on Figure 3. A Yes. And their chromatograms, are and found on Figure 3. A Yes. And their chromatograms, are and found on Figure 3. A Yes. And their chromatograms, are and found on Figure 3. A Yes. And their chromatograms, are and found on Figure 3.	1	•	1	detections of individual volatile aromatic
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Page 202 They were all collected by Dr. Fisher and analyzed at his laboratory. Q Was any A I'm sorry, that's not true. I mean, there were the three samples that from the Q Right. A January 2022 excavation. Q I was I was just going to ask you about that. There were a couple of soil samples? A Yes. Q And those are found on Table 3, all found on Figure 3. A Yes. And their chromatograms, are all found on Figure 3. A Yes. And just looking at Table 3, these results show that there was some, what, that Alpha I hat was shown there that was present in the range biogenics." Page 204 1 earlier, these are the GCs for those that samples? a carlier, these are the GCs for those that at his laboratory. a carlier, these are the GCs for those that as ample? A For each of those three samples, yes. A Po each of those three samples, yes. A They each contained predominantly biogenic chemicals, which is this naturally occurring organic matter we started this occurring organic matter we st	21	content of these soils near the pipelines?	21	Q Thank you.
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22 A There are, you can see, four 22 A It's only referring to chemicals that				
	41	defendant?		those two, if there is one:
				*

1	boil below C28, the upper limit of DRO or above	1	based on what your report says here, on the
2	that limit. And I explained this in the background	2	chemical fingerprint for B, it could be either
3	material in my report that, you know, TPH is a	3	diesel range or the coating for the pipeline. Is
4	manmade metric, and we divide that metric into	4	that your testimony?
5	different carbon ranges that we refer to as	5	A No.
6	gasoline range or diesel range or residual range,	6	Q What's your testimony?
7	but there are other things, for example, natural	7	A It's not diesel fuel and possibly the
8	organic matter that can occur within each of those		coating.
9	ranges that has nothing to do with petroleum, but	9	Q And if it's not any of those, what is
10	it's falsely measured as petroleum when it occurs	10	it?
11	in the diesel range or the residual range. And	11	A I don't know. And the reason I say
12	that's what's happening here with this natural	12	possibly the coating is because exactly, as your
13	organic matter.	13	question a few moments ago, I did not analyze it,
14	Q Okay. On the on the B sample,	14	but its description by the manufacturer indicates
15	there's a there's a reference to 20. What does	15	it contains waxes, which is what we see here.
16	that refer to?	16	Q Did you ask Valero for a sample of
17	A That refers to an alkane, again, a	17	the coating materials so you could do an analysis?
18	straight chain hydrocarbon with 20 carbons in a	18	A I don't believe we did I did
19	row.	19	suggest that. Again, this wasn't evident until
20	Q Is that part of the biogenic	20	after these soils had been collected and the hole
21	naturally occurring materials or is it different	21	closed up in January of 2020 2022 rather. So no
22	from that?	22	additional work went back to expose the pipeline
22	Page 206	22	Page 208
1	A It's different. And it's, I think,	1	and collect this.
2	explained either on the bottom of the page or	2	Q So the answer is you didn't ask for a
3	certainly in the text.	3	sample of the original pipeline coating, correct?
4	Q Would you explain for the jury here	4	A No. At the time when I got these
5	today, sir?	5	results and initiated my investigation as to what
6	A I'm just reading the bottom of page	6	it could be, the literature on the pipeline coating
7	40 right now where I say, "The trace n-alkanes in B	7	material explained its potential source
8	within the DRO range are not accompanied by a UCM	8	satisfactorily to me.
9	which could indicate diesel fuel, but rather appear	9	Q Did it have a an analysis similar
10	to be waxes possibly attributable to the pipelines	10	to what's on the these tables in your report or
11	coating material; see text." Because I know I've	11	your GC graph example that you could compare it to?
12	got a longer explanation earlier in the report.	12	A No. It didn't provide that level of
13	Q Okay. The coating material, did you	13	detail. The descriptions of these Polyken coating
14	do any analysis of Valero's coating material on	14	material, the tapes that were used, is found in one
15	this pipeline?	15	of my footnotes or in the text on pages 14 and 15.
16	A No, I did no chemical analysis.	16	Q So the answer is, is that you didn't
17	Q That's what I mean.	17	have a similar detail for this commercial product
18	A Just a literature analysis.	18	description, you didn't have either an analytical
19	Q A literature analysis. You did no	19	result or GC/FID sample for this material, correct?
20	chemical analysis?	20	A No, I didn't. As I said, the
21		20	literature descriptions of their chemical
22	A That's right. Q So you're attributing so I guess	22	compositions answered my question satisfactorily,
144	Q 50 you're am fouring 80 I guess	44	compositions answered my question satisfactority,
	Page 207		Page 209

1	you, that this phenomena is known to occur in karst	1	Q Okay. And it's about how much of the
2	settings.	2	pipeline and how long of the pipeline traverses the
3	Q But we don't know if it's occurring	3	ranch?
4	in this particular setting or not, correct?	4	Three miles sound right?
5	A There's no reason to believe that	5	A I don't recall a number. I do my
6	it's not given the long-term manifestation of the	6	look at my scale on my diagram here and estimate it
7	conditions.	7	but
8	Q It could be a long-term leaking	8	Q Well, Doctor, you used the term, you
9	pipeline, couldn't it, Doctor?	9	said that the pipeline has been evaluated, but you
10	MR. JOHNSON: Objection. Form.	10	didn't see any any leaks or spills. I'm just
11	THE WITNESS: There's no evidence for	11	trying to get you to quantify how much of this
12	a long-term leaking pipeline, particularly the	12	pipeline over the karst has actually been evaluated
13	Valero pipeline, which has been investigated.	13	by Valero.
14	There's no data available. The data collected at	14	We've had 15 digs, you said. How
15	15 excavations along the Valero pipeline show no	15	much is actually exposed in each dig? How many
16	evidence of petroleum released. If there had been,	16	feet?
17	it would be evident.	17	A Tens.
18	BY MR. PAGE:	18	Q Tens of feet.
19	Q How much of the pipeline has not been	19	And if we had two miles of pipeline,
20	investigated?	20	do you think that's a reasonable representation of
21	A I don't know. Some fraction of it.	21	the the the pipeline's potential to
22	Q And how much of the pipeline overlays	22	leak on the Lazy S Ranch?
	Page 222		Page 224
1	the karst terrane at the Lazy S Ranch?	1	MR. JOHNSON: Objection. Form.
2	A Of the entire pipeline or	2	THE WITNESS: Those excavations were
3	Q Of the pipeline that's on the Lazy S	3	conducted at areas where other data indicated
4	Ranch, how much of it covers karst?	4	certain anomalies existed, anomalies potentially
5	Did you investigate that?	5	associated with thinning of the walls and so forth.
6	A I was just looking at a figure that	6	So it's, I think, common practice and due diligence
7	allowed me to, because it's my	7	to investigate those areas, which is what Valero
8	Q But I asked you prior to today, just	8	did. And the data collected in the soils around
9	right now, sitting in this deposition, did you	9	those are clean.
10	investigate that how much of the karst is how	10	BY MR. PAGE:
11	much of the pipeline runs over the karst on the	11	Q They're clean?
12	Lazy S Ranch?	12	A Oh, yes.
13	MR. JOHNSON: Objection. Form.	13	Q What do you mean by clean?
14	Go ahead.	14	A It's explained in my report.
15	THE WITNESS: I didn't investigate	15	Q There's no refined products in
16	it, I had it available to me.	16	that
17	BY MR. PAGE:	17	A That's correct.
18	Q Okay. Well, did you evaluate how	18	Q in that soil?
19	much of the pipeline overlays the karst?	19	A There's naturally occurring organic
20	A I didn't see a reason to evaluate it.	20	matter that's falsely measured as TPH DRO. There's
4U	11 I didn't bee a reason to evaluate it.		
21	I can look at it and see it's somewhere around	21	
		21 22	laboratory contamination from Accurate Laboratories falsely measured as TPH DRO, but there's no

1 4	. 1		
1	petroleum present.	1	Go ahead.
2	I'm sorry, I wanted to add the third	2	THE WITNESS: It doesn't change the
3	one. In the samples that were analyzed by me at	3	data that I have available to me.
4	Alpha, there's also evidence, what I believe, is	4	BY MR. PAGE:
5	possibly attributable to the Polyken coating	5	Q And you didn't have all the data,
6	material on the pipeline, only visible in the more	6	Doctor?
7	higher resolution results obtained at Alpha.	7	MR. JOHNSON: Objection. Form.
8	Q So you've done some pipeline	8	BY MR. PAGE:
9	engineering work in the past?	9	Q Did you
10	A No. I've been involved in pipeline	10	A Well, let's talk about
11	investigations in the past.	11	Q Did you
12	Q Have you ever found one that's	12	A the data
13	leaked?	13	Q Did you
14	A Oh, yeah. That I'm glad you asked	14	A I'm not going to evaluate pipeline
15	that. Because pipelines aren't investigated by	15	integrity data. That's not my area of expertise.
16	someone like me unless there's been a leak, in	16	I'm evaluating chemical data of soils collected
17	which case, we see thousands or tens of thousands		along that pipeline, 48 soils collected along that
18	or even hundreds of thousands of parts per million		pipeline, 30 of which were completely clean with
19	petroleum in soils around those leaks.	19	non-detectable hydrocarbons, 18 of which contained
20	Q And you've investigated a leak in a	20	part per million tens a part per million, 15
21	karst environment	21	part per million at most, concentrations of TPH DRO
22	A I have	22	that included natural organic matter, waxy
	Page 226		Page 228
1	Q a pipeline leak?	1	contamination from the laboratory and possibly
2	A I have not investigated a leak in a	2	coating material from the pipeline.
3	karst environment. So while it's true there's 15	3	Q But no diesel?
4	excavations that are clean, in your hypothesis, or	4	A No diesel, no gasoline.
5	the plaintiff's hypothesis, or the plaintiff's	5	Q Okay. And what about the the
6	expert's hypothesis, "Well, it leaked somewhere	6	the samples that were taken from the wells that
7	else." That's irrefutable.	7	were drilled, did you look at those?
8	I mean, of course, unless they dig up	8	A Absolutely.
9	the entire pipeline, you're going to point to that.	9	Q And they didn't contain any refined
10	But as a scientist, I rely upon the data. The data	10	products?
11	showed no releases. The data showed no impacts to	11	A No.
12	water between the pipeline and Tulip Springs, so	12	Q Not at all?
13	the scenario that's being proposed is just not	13	A No.
14	supported by data.	14	It's all explained in my report, and
15	Q Okay. Do you know whether or not	15	I hope we if you want to talk about the water
16	Valero's replaced the pipeline all of the	16	samples that were collected from wells and other
17	pipeline from the refinery to the southern border	17	springs on the property.
18	of the Lazy S Ranch?	18	Q That's all you that's all
1 10	A No, I do not know.	19	naturally occurring, correct?
		- /	,
19		20	A No.
19 20	Q Okay. If I told you that was true,	20 21	A No. O Or unconventional sampling methods?
19		202122	A No.Q Or unconventional sampling methods?A The nonconventional samples,

1	your analysis. Is that right?	1	that was the reason about those detection limits
2	A I didn't list them in my list of soil	2	that were reported there.
3	data available to me, no.	3	So I think in that sense, if if
4	Q What were the results I think you	4	those are indeed regulatory thresholds and those
5	testified about this this morning, but I want to	5	data showed entirely non-detect samples, then, of
6	make sure it's clear. What were the results of	6	course, they're useful in some regard in that none
7	those tests?	7	of these soils exceeded regulatory threshold.
8	A I think I mentioned or testified	8	Q I want to ask you now about the
9	earlier, they were all NDs.	9	testing results that did report back with
10	Q "ND" meaning?	10	quantifiable amounts. Let's go to your Table 3.
11	A ND being non-detect for the BTEX and	11	There are let's look at the soil tests where the
12	TPH analysis they were analyzed for.	12	DRO reports are.
13	Q If somebody were looking at whether	13	Can you just give us an example, in
14	or not those kinds of tests met regulatory	14	your experience as a chemist as to what sort of
15	thresholds, could they be useful in your view?	15	volumes we're talking about?
16	MR. PAGE: Object to the form. This	16	I mean how do I picture the results
17	goes beyond the scope of anything I did on direct.	17	that we're seeing here?
18	MR. JOHNSON: It's cross-examination	18	MR. PAGE: Object to the form.
19	about his expert report, they're in his report.	19	THE WITNESS: Well, these detectable
20	You can move to exclude it.	20	levels of TPH DRO, which looking at the range from
21	BY MR. JOHNSON:	21	somewhere around 5 parts per million to 15 parts
22	Q Go ahead.	22	per million in 18 of the 48 samples, the other 30
	Page 242		Page 244
1	MR. PAGE: Regulatory statements are	1	being non-detects. So 5 to 15 PPM is an extremely
2	in his report?	2	low concentration of something being measured as
3	MR. JOHNSON: I'm talking about the	3	TPH. It's certainly not a concentration I would
4	tests that you asked him about.	4	attribute to petroleum-impacted soil from a
5	BY MR. JOHNSON:	5	pipeline release, which I think I mentioned a few
6	Q But go ahead.	6	moments ago would be hundreds, thousands, tens of
7	A I think, you know, they weren't	7	thousands, even hundreds of thousands of PPM.
8	useful to me because I was tasked in looking at	8	That's what I've seen at other pipeline
9	what contamination was present in the soils.	9	investigations that I've worked on.
10	Because of the elevated detection limits, the	10	These levels are just completely
11	higher detection limits that Environmental Testing	11	consistent with what I've seen in them; namely
12	Laboratory used versus those of Accurate	12	natural organic matter and waxy contamination
13	Environmental Lab, for which there were splits, the	13	from the laboratory or possibly the pipeline
14	results from the Accurate Lab were more useful to	14	coating materials, but not petroleum.
15	me because they had lower detection limits, I could	15	BY MR. JOHNSON:
16	see if anything was truly there.	16	Q Last question. If I told you that I
17	The Environmental Testing dataset, on	17	went from Wheeler, Trigg, O'Donnell to Dowd Benett
18	the same set of samples, with the higher detection	18	in 2018, would that impact your testimony at all
19	limits were not useful to me because they didn't	19	about me being at Dowd Bennett when we worked on
20	inform on that. But your question about, might	20	the 2012 or '13 Colorado UST case?
21	they be useful to somebody? Sure. I don't know	21	A Yes, of course.
22	about regulatory thresholds, so I didn't know if	22	O Do you remember that at all or
22	about regulatory thresholds, so I didn't know if Page 243	22	Q Do you remember that at all or Page 245

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	CERTIFICATE OF NOTARY PUBLIC I, FELICIA A. NEWLAND, CSR, the officer before whom the foregoing videotaped deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.	2 3 4 5 6 7 8 9 10 11 12	Lazy S Ranch Properties, LLC v. Valero Energy Corporation Scott A Stout , Ph.D., P.G. (#5352742) E R R A T A S H E E T PAGE LINE CHANGE REASON PAGE LINE CHANGE REASON REASON PAGE LINE CHANGE REASON PAGE LINE CHANGE
17	of this action.		REASON
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20	FELICIA A. NEWLAND, CSR	19	REASON
	Notary Public		
21		20	
22	My commission expires:		Scott A Stout , Ph.D., P.G. Date
22	September 15, 2024 Page 254	22	Page 256
			-
1	ACKNOWLEDGEMENT OF		Matthew E. Johnson
2	DEPONENT		mjohnson@dowdbennett.com
3		3	October 12, 2022
4	I, SCOTT A. STOUT, Ph.D., P.G., do hereby	4	RE: Lazy S Ranch Properties, LLC v. Valero Energy
5	acknowledge I have read and examined the foregoing	_	Corporation
6	pages of testimony, and the same is a true, correct	5	, , , , , ,
7	and complete transcription of the testimony given by	6	¥
8	me, and any changes or corrections, if any, appear		review.
9	in the attached errata sheet signed by me.	8	Within the applicable timeframe, the witness should
10 11		9	read the testimony to verify its accuracy. If there are any changes, the witness should note those with the
12		11	reason, on the attached Errata Sheet.
13		12	The witness should sign the Acknowledgment of
14		13	Deponent and Errata and return to the deposing attorney.
17		14	Copies should be sent to all counsel, and to Veritext at
15	Date SCOTT A. STOUT, Ph.D.,	15	errata-tx@veritext.com.
13	P.G.	16	orada tala vortext.com.
16	1.0.	17	Return completed errata within 30 days from
17		18	receipt of testimony.
18		19	If the witness fails to do so within the time
19		20	allotted, the transcript may be used as if signed.
20		21	, , ,
21			Yours,
22		22	Veritext Legal Solutions
	Page 255		Page 257

Oklahoma
Rule 12-3230
Depositions Upon Oral Examination

F. Review By Witness; Changes; Signing.

The deponent shall have the opportunity to review the transcript of the deposition unless such examination and reading are waived by the deponent and by the parties. After being notified by the officer that the transcript is available, the deponent shall have thirty (30) days in which to review it and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph 1 of subsection G of this section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

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ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE STATE RULES

OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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